



COURT OF APPEALS

SECOND DISTRICT OF TEXAS

CHIEF JUSTICE
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401 W. BELKNAP, SUITE 9000
FORT WORTH, TEXAS 76196

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May 22, 2014

Fredrick 'Fritz' Quast
Taylor, Olson, Adkins, et al.
6000 Western Place, Ste. 200
Fort Worth, TX 76107
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 02-14-00147-CV
Trial Court Case Number: CV10-0429

Style: City of Aledo
v.

Todd C. Brennan and Valerie S. Smith, Frank Gallison and Nanette Gallison, Rebecca Hanley, Gordon Hiebert and Kimberly Hiebert, William Hood and Leonila Hood, Layne Kasper and Jessica Kasper, James Kitchen and Martha Kitchen, et al.

We received appellant's "Application for Section 51.014(d) Interlocutory Appeal" on May 9, 2014. The application, which requests that we "enter an order granting this application and allowing interlocutory appeal of the trial court's order denying [appellant's] motion for summary judgment," is filed pursuant to the current version of civil practice and remedies code section 51.014(d) and (f), as amended in 2011. See Tex. Civ. Prac. & Rem. Code Ann. § 51.014(d), (f) (West Supp. 2013). The current version of the statute, however, applies only to cases filed in the trial court on or after September 1, 2011. See Acts 2011, 82nd Leg., ch. 203, § 6.01; see *also* Tex. R. App. P. 28.3 cmt. The original petition in the underlying cause was filed on March 18, 2010. Thus, it appears that rule 28.2 instead governs the procedure that appellant is attempting to utilize. See Tex. R. App. P. 28.3 cmt.

Although appellant did not timely file a notice of appeal, see Tex. R. App. P. 28.2(a), it did timely file a petition for permission to appeal, which represents a bona fide attempt to invoke this court's jurisdiction. See *Sweed v. Nye*, 323 S.W.3d 873, 875 (Tex. 2010) ("[A] timely filed document, even if defective, invokes the court of appeals' jurisdiction."). If Appellant desires to continue its

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appeal, it is directed to file an amended notice of appeal in the trial court that complies with the requirements of rule 28.2(c) on or before **Wednesday, June 11, 2014**, and to file, with this court, a copy of the amended notice of appeal. See Tex. R. App. P. 25.1(g), 28.2(c), 37.1. If appellant fails to comply, we may dismiss this appeal for want of jurisdiction. See Tex. R. App. P. 42.3(a), 43.2(f).

Respectfully yours,

DEBRA SPISAK, CLERK



By: Rose M. Stewart, Deputy Clerk

cc: Hon. Craig Towson
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Weatherford, TX 76086

District Clerk, Parker County
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